

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00912-CJN**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
COMMERCE et al
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 04/01/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Hart W. Wood**
AMERICAN OVERSIGHT
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Suite B255
Washington, DC 20005
(202) 873-1743
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Email: hart.wood@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **Jason Todd Cohen**
U.S. DEPARTMENT OF JUSTICE
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TERMINATED: 11/21/2019
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Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Jason Todd Cohen**
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John Cuong Truong
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Sean Michael Tepe
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Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Jason Todd Cohen**
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Sean Michael Tepe
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Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Jason Todd Cohen**
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Sean Michael Tepe
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Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

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LEAD ATTORNEY
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John Cuong Truong
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Sean Michael Tepe
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Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Jason Todd Cohen**
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John Cuong Truong
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Sean Michael Tepe
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LEAD ATTORNEY
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Defendant

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

represented by **Jason Todd Cohen**
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John Cuong Truong
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TERMINATED: 11/21/2019
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Sean Michael Tepe
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Defendant

**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES**

represented by **Jason Todd Cohen**
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John Cuong Truong
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Sean Michael Tepe
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LEAD ATTORNEY
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Defendant

represented by

**U.S. DEPARTMENT OF THE
INTERIOR**

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Cuong Truong
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TERMINATED: 11/21/2019
LEAD ATTORNEY
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Sean Michael Tepe
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Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Jason Todd Cohen**
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Sean Michael Tepe
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LEAD ATTORNEY
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Defendant

**ADMINISTRATION FOR
CHILDREN AND FAMILIES**

represented by **Jason Todd Cohen**
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TERMINATED: 11/21/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean Michael Tepe
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LEAD ATTORNEY
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Defendant

**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

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TERMINATED: 11/21/2019
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John Cuong Truong
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TERMINATED: 11/21/2019
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Sean Michael Tepe
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Defendant

U.S. DEPARTMENT OF STATE

represented by **Jason Todd Cohen**
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John Cuong Truong
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TERMINATED: 11/21/2019
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Sean Michael Tepe
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Jason Todd Cohen**
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TERMINATED: 11/21/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Cuong Truong
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Sean Michael Tepe
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/01/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-6032930) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons USAO, # <u>3</u> Summons U.S. Att'y General, # <u>4</u> Summons Commerce, # <u>5</u> Summons Education, # <u>6</u> Summons EPA, # <u>7</u> Summons DOJ, # <u>8</u> Summons DHS, # <u>9</u> Summons CBP, # <u>10</u> Summons ICE, # <u>11</u> Summons USCIS, # <u>12</u> Summons DOI, # <u>13</u> Summons HHS, # <u>14</u> Summons ACF, # <u>15</u> Summons HUD, # <u>16</u> Summons State, # <u>17</u> Summons Treasury)(Wood, Hart) (Entered: 04/01/2019)
04/01/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Wood, Hart) (Entered: 04/01/2019)
04/02/2019		Case Assigned to Judge John D. Bates. (zef,) (Entered: 04/02/2019)
04/02/2019	<u>3</u>	SUMMONS (16) Issued Electronically as to ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND

		CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 04/02/2019)
04/30/2019	<u>4</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 04/30/2019)
05/01/2019	<u>5</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Cohen, Jason) (Entered: 05/01/2019)
05/02/2019		MINUTE ORDER: Upon consideration of <u>5</u> defendants' unopposed motion for extension of time to answer, and the entire record herein, it is hereby ORDERED that <u>5</u> defendants' motion for extension of time is GRANTED; and it is further ORDERED that defendants' responsive pleading shall be filed by not later than June 3, 2019. SO ORDERED. Signed by Judge John D. Bates on 05/02/2019. (lcjdb3,) (Entered: 05/02/2019)
06/03/2019	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Cohen, Jason) (Entered: 06/03/2019)
06/04/2019		MINUTE ORDER: Upon consideration of <u>6</u> defendants' unopposed motion for extension of time to answer, and the entire record herein, it is hereby ORDERED that <u>6</u> defendants' motion is GRANTED; and it is further ORDERED that defendants' responsive pleading shall be filed by not later than June 13, 2019. SO ORDERED. Signed by Judge John D. Bates on 06/04/2019. (lcjdb3) (Entered: 06/04/2019)
06/21/2019	<u>7</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Truong, John) (Entered: 06/21/2019)
06/21/2019		MINUTE ORDER: Upon consideration of <u>7</u> defendants' consent motion for an extension of time to file a responsive pleading, and the entire record herein, it is hereby ORDERED that <u>7</u> defendants' consent motion for an extension of time is GRANTED; it is further ORDERED that defendants shall file a responsive pleading by not later than July 11, 2019; and it is further ORDERED that the parties shall file a joint status report by not later than July 18, 2019. SO ORDERED. Signed by Judge John D. Bates on 06/21/2019. (lcjdb3,) (Entered: 06/21/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge John D. Bates is no longer assigned to the case. (rj) (Entered: 06/24/2019)
06/24/2019		Set/Reset Deadlines: Response due by 7/11/2019. Joint Status Report due by 7/18/2019. (tb) (Entered: 06/24/2019)

07/11/2019	<u>8</u>	ANSWER to Complaint by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.(Cohen, Jason) (Entered: 07/11/2019)
07/15/2019	<u>9</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by AMERICAN OVERSIGHT . (Attachments: # <u>1</u> Declaration)(Wood, Hart) Modified on 7/16/2019 (jf). (Entered: 07/15/2019)
07/16/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>9</u> Certificate of Service was entered in error and counsel was instructed to refile said pleading using the "Service of Process" event (jf) (Entered: 07/16/2019)
07/16/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2019. (Answer due for ALL FEDERAL DEFENDANTS by 5/2/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/8/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ADMINISTRATION FOR CHILDREN AND FAMILIES served on 4/8/2019; U.S. CITIZENSHIP AND IMMIGRATION SERVICES served on 4/8/2019; U.S. CUSTOMS AND BORDER PROTECTION served on 4/8/2019; U.S. DEPARTMENT OF COMMERCE served on 4/8/2019; U.S. DEPARTMENT OF EDUCATION served on 4/8/2019; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/8/2019; U.S. DEPARTMENT OF HOMELAND SECURITY served on 4/8/2019; U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT served on 4/8/2019; U.S. DEPARTMENT OF JUSTICE served on 4/8/2019; U.S. DEPARTMENT OF STATE served on 4/8/2019; U.S. DEPARTMENT OF THE INTERIOR served on 4/8/2019; U.S. DEPARTMENT OF THE TREASURY served on 4/8/2019; U.S. ENVIRONMENTAL PROTECTION AGENCY served on 4/8/2019; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT served on 4/8/2019 (Attachments: # <u>1</u> Declaration)(Wood, Hart) (Entered: 07/16/2019)
07/18/2019	<u>11</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 07/18/2019)
07/22/2019		MINUTE ORDER. In light of the representations in the Parties' <u>11</u> Joint Status Report, it is hereby ORDERED that the Parties shall file a further Joint Status Report on or before August 22, 2019. Signed by Judge Carl J. Nichols on July 22, 2019. (lccjn1) (Entered: 07/22/2019)
07/22/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 8/22/2019. (zcdw) (Entered: 07/22/2019)
08/22/2019	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 08/22/2019)
08/22/2019		MINUTE ORDER. In light of the Parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the Parties submit an additional Joint Status Report by September 26, 2019. Signed by Judge Carl J. Nichols on August 22, 2019. (lccjn1) (Entered: 08/22/2019)
08/22/2019		Set/Reset Deadlines/Hearings: Joint status report due by 9/26/2019. (zcdw) (Entered: 08/22/2019)
09/23/2019	<u>13</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN

		DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Cohen, Jason) (Entered: 09/23/2019)
09/25/2019		MINUTE ORDER. Upon consideration of Defendants' <u>13</u> Unopposed Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED and that the Parties shall file an additional Joint Status Report on or before October 3, 2019. Signed by Judge Carl J. Nichols on September 25, 2019. (lccjn1) (Entered: 09/25/2019)
09/25/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/3/2019. (zcdw) (Entered: 09/29/2019)
10/03/2019	<u>14</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 10/03/2019)
10/04/2019		MINUTE ORDER. In light of the Parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before December 2, 2019. Signed by Judge Carl J. Nichols on October 4, 2019. (lccjn1) (Entered: 10/04/2019)
10/04/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/2/2019. (zcdw) (Entered: 10/04/2019)
11/21/2019	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of All Defendants Substituting for attorney Jason Cohen (Tepe, Sean) (Entered: 11/21/2019)
12/02/2019	<u>16</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 12/02/2019)
12/03/2019		MINUTE ORDER. In light of the Parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before January 31, 2020. Signed by Judge Carl J. Nichols on December 3, 2019. (lccjn1) (Entered: 12/03/2019)
12/03/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/31/2020. (zcdw) (Entered: 12/04/2019)
01/31/2020	<u>17</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Tepe, Sean) (Entered: 01/31/2020)
02/03/2020		MINUTE ORDER. In light of the Parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before March 31, 2020. Signed by Judge Carl J. Nichols on February 3, 2020. (lccjn1) (Entered: 02/03/2020)
02/03/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/31/2020. (zcdw) (Entered: 02/04/2020)
03/31/2020	<u>18</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration of Eric F. Stein)(Tepe,

		Sean) (Entered: 03/31/2020)
04/03/2020		MINUTE ORDER. In light of the Parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before May 7, 2020. It is further ORDERED that Defendant Department of State's upcoming production deadlines are STAYED pending further order from the Court and that it shall update the Court on its ability to resume review and production of documents responsive to Plaintiff's FOIA request in the Parties' next Joint Status Report. Signed by Judge Carl J. Nichols on April 3, 2020. (lccjn1) (Entered: 04/03/2020)
05/07/2020	<u>19</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 05/07/2020)
05/11/2020		MINUTE ORDER. In light of the Parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before July 7, 2020. Signed by Judge Carl J. Nichols on May 11, 2020. (lccjn1) (Entered: 05/11/2020)
05/11/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/7/2020. (zcdw) (Entered: 05/13/2020)
06/30/2020	<u>20</u>	STIPULATION of Dismissal of <i>EPA</i> by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 06/30/2020)
07/07/2020	<u>21</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Tepe, Sean) (Entered: 07/07/2020)